

Remarks

Claim Status

Prior to the entry of this amendment, claims 1-10 were pending, claims 2 and 4-10 were withdrawn, and claims 1 and 3 were under examination. With the entry of this amendment, claims 1-12 will be pending, claims 2 and 4-10 will remain withdrawn, and claims 1, 3 and 11-12 will be under examination

Information Disclosure Statement

Applicant thanks the Office for pointing out that copies of the foreign patents and non-patent documents were not provided to the Office. Copies of these documents are being filed concurrently with this Amendment.

Rejection of Claims 1 and 3, Under 35 U.S.C. § 112, ¶ 1

The Office rejected claims 1 and 3, under 35 U.S.C. § 112, ¶ 1, as allegedly not enabled for the prevention or delay of type 2 diabetes. Without acquiescence to the grounds of the rejection, Applicant herein amends the claims to delete reference to prevention or delay, solely to facilitate prosecution.

Rejection of Claims 1 and 3, Under 35 U.S.C. § 112, ¶ 2

The Office rejected claims 1 and 3, under 35 U.S.C. § 112, ¶ 1, as allegedly reciting unclear claim limitations. Applicant herein amends claim 1 to delete the phrase "(associated with or without hypertension)." Applicant adds new claims 11 and 12, incorporating these limitations. No new matter is added by claims 11 and 12, as they are supported by original claim 1.

Rejection of Claims 1 and 3, Under 35 U.S.C. § 102(e)

The Office rejected claims 1 and 3, under 35 U.S.C. § 102(e), as allegedly anticipated by the Webb '389 application. According to the Office, Webb describes the use of the compound of formula I for the treatment of type 2 diabetes.

Applicant respectfully traverses. Webb describes the use of a combination comprising the compound of formula I and an antidiabetic agent. Webb does not describe the use of the compound of formula I or any renin inhibitor, given as monotherapy, for use in treating type 2 diabetes. Therefore, Webb does not anticipate the claimed invention and Applicant respectfully requests that the Office withdraw the rejection.

Rejection of Claims 1 and 3, Under 35 U.S.C. § 103(a)

The Office rejected claims 1 and 3, under 35 U.S.C. § 103(a), as allegedly obvious, citing the Webb '389 application, in view of Bridon and Kirpichnikov. According to the Office, the Webb application teaches a combination of a renin inhibitor with an antidiabetic agent for the treatment of type 2 diabetes, Bridon teaches that renin inhibitors are known to treat hypertension, and Kirpichnikov teaches that the majority of diabetics have hypertension. The Office asserts it would therefore be obvious to one of skill in the art to use the method of Webb to treat a hypertensive diabetic using a renin inhibitor.

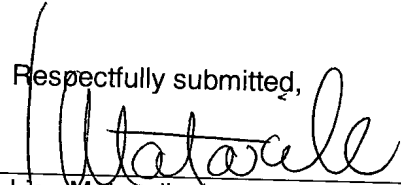
To establish a *prima facie* case of obviousness, the Office must demonstrate that the cited prior art includes each element of the claimed invention. None of the references asserted by the Office, however, disclose the use of monotherapy with a renin inhibitor to treat type 2 diabetes. Combining the references cited by the Office does not, therefore, teach every element of the claimed invention. Accordingly, Applicant respectfully traverses the rejection.

Conclusion

For the foregoing reasons, Applicant urges that claims 1 and 3 are in condition for allowance and courteously requests that the Office withdraw all pending rejections. If there are any fees due in connection with the filing of this Amendment, please charge the fees to Deposit Account No. 19-0134.

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Date:

19 AUG 2009